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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			DURAN, ARTHUR D	
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			3622	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/693,919

Applicant(s)

SHIDA, TOMOHITO

Examiner

Arthur Duran

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) 18 and 19 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) 1-19 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-19 have been examined.

Response to Amendment

2. The Amendment filed on 5/11/05 is sufficient to overcome the Schiff, DeLorme, and Baker reference. A new reference has been added to the 35 USC 103 rejection.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/11/05 has been entered.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17, drawn to a reservation system for temporarily changing conditions and time periods, classified in class 705, subclass 14.
 - II. Claim 18-19, drawn to defining discounts based on prospective customers and target customer counts, classified in class 705, subclass 14.

Art Unit: 3622

Inventions I and II are based on different sets of Independent claims. Group I involves a reservation system for temporarily changing conditions and time periods. Group II involves defining discounts based on prospective customers and target customer counts.

Because these inventions are distinct for the reasons given above and the search required for Group I is different than the search required for Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Randall Beckers (Reg. No. 30,358) on 6/28/05 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-17. Affirmation of this election must be made by applicant in replying to this Office action. Claim 18-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

Claim 1-7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 2, 8-12, 15 disclose 'for each time period' as if the time period has already been stated in the claim. However, no time period is prior to the 'for each time period'. Hence, the claim is unclear and requires clarification. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff (6,477,533) in view of DeLorme (5,948,040) in view of Baker (6,266,648) in view of Cragun (6,622,125).

Claim 1, 17: Schiff discloses a method for accepting transaction reservation, comprising the steps of:

electronically presenting information on discount services defined for each time period to a plurality of customers (col 20, lines 41-44; col 20, lines 58-65; col 22, lines 1-13 ; col 11, line 60-col 12, line 17; col 12, lines 22-36; col 7, lines 20-34);

electronically accepting information on transaction reservation of discount services at a selected time period by a customer (col 12, lines 17-23; col 12, lines 22-36); and performing a transaction according to the reserved discount services, when the visiting time of a customer to a shop, or the finish time of the transaction is included in the time period in association with said accepted information on transaction reservation (col 20, line 49-col 21, line 12; col 13, lines 17-22; col 1, lines 22-26; col 22, lines 1-5; col 12, lines 14-17).

Schiff further discloses that the time period can be defined as a term for the transaction (col 20, lines 41-44; col 20, lines 58-65; col 22, lines 1-13).

Art Unit: 3622

Because Schiff discloses custom packages can vary based on sailing date and special discounts (col 1, lines 21-26), Schiff implies that custom packages can be created where special discounts and sailing dates are related variables to the overall package.

Schiff further discloses that incentives, time periods, and reservations are related (col 22, lines 1-13; col 1, lines 22-26), accepting the transaction reservation for the transaction target, performing a transaction in accordance with the transaction reservation (col 12, lines 17-36), and re-presenting data based on the accepted transaction reservation for the transaction target (col 11, lines 10-16; Fig. 2b; Fig. 3a).

Schiff does not explicitly disclose that the discounts are related to the time period that the reservation is made for.

However, DeLorme discloses that presenting bargain data to a transaction target related to the time period that the reservation is made for (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45).

DeLorme further discloses re-presenting bargain data based on the accepted reservation for the transaction target (Fig. 9b; Fig. 7b; Fig. 7a; Fig. 5d, item 595).

DeLorme further discloses a terms determination unit for determining terms for a transaction of a transaction target for each time period (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45); and a display system for displaying the terms for the transaction, wherein the transaction reservations are made via the plurality of terminal devices based on the display terms for the transactions (Fig. 5d; Fig. 1c; Fig. 9b).

Art Unit: 3622

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add DeLorme's reservations goods or services with time period based discounts to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Baker further discloses benefits and discounts (col 1, lines 10-50); reservations (Fig. 3); timing restrictions and other terms on applicable discounts (col 1, lines 55-62); time frame restrictions and other terms on applicable discounts (col 5, lines 35-45; col 6, lines 40-47; col 6, lines 47-61; col 7, lines 4-11);

Baker further discloses offering specialized target discounts where the terms or target can be varied including varying time periods for when the discount would apply (col 8, line 60-col 9, line 10) and specialized discounts based on the time between the when the reservation is made and when the reservation is made for (col 9, lines 14-26).

Baker further discloses correlating time periods for reservations to discounts (col 9, lines 31-64).

Baker further discloses that different time periods have different discounts and that the discount information for the different time periods is dynamic (col 10, line 59-col 11, line 7). Also, note that Baker discloses that the time between when the reservation is made and the time that the reservation is made for can be relevant to the discount amount (col 9, lines 14-26). Therefore, both the reservation time and the time period the reservation is made for are relevant to the discount.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Baker's reservations for goods or services with time period based discounts that reflect temporarily changing conditions to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Baker also discloses varied time periods (June or July) and that the user can select a time period within the varied time periods (col 10, line 58-col 11, line 7).

Also, note that Baker (col 9, lines 14-26) discloses 'rapidly changing conditions' and that a discount is offered several days before a certain date and that the discount is offered for that date based on the temporarily changing condition that the plane is half full. Therefore, both the time period that the reservation is made in (several days before), the time period for the transaction or travel to be enacted (the date of the flight or the time period that the user will be away or travelling), and the temporarily changing condition (the plane is presently half full) of the reservation are relevant to the discount being offered.

Additionally, DeLorme discloses making reservations and that information on factors affecting reservations can be provided to the user and that temporal data that affects reservations can be provided to the user including information such as time periods and weather related information:

"(9) <http://www.expedia.msn.com> offers a similar Internet Web Site "travel agency" to book flights, hotel rooms, and rental cars; to participate in travel forums; and to browse assorted

Art Unit: 3622

news, weather, currency, multimedia guidebooks, and photographs. These types of online systems have some capability in permitting the user to gain access to a wide array of services, including travel and activities; however, as earlier noted, this capability is not easily enacted in that the user must go through a considerable search process in order to gather information regarding topics, events, available goods or services, and/or points of interest at the travel destination or along the travel route, or related to the user's selected travel time frame. Other Internet sites concentrate on local directory listing information but do not provide readily useable travel planning, itinerary, routing and/or booking capabilities--e.g., CitySearch.TM. and MetroBeat.TM. at <http://www.citysearch.com> and Bigbook's Internet Yellow Pages at <http://www.bigbook.com> (col 3, line 63-col 4, line 15);

(66) Also included in the standard TRIPS data structure, shown in FIG. 3, is a sub-structure for characteristic TEMPORAL DATA, in turn, managed primarily by the Temporal Subsystem 223 in FIG. 2 (also, in TIMES, at 419, in FIG. 4). Such TEMPORAL DATA addresses years, dates, times, other usual chronological measures, indicators and/or arrays pertaining to events, time periods, appointments, actual happenings or postulated temporal occurrences--as recorded, proposed, scheduled, negotiated or predicted at points or periods in time, typically by one or more persons, interested parties or organizations, including TRIPS retail users or participating travel information/service providers. In FIG. 2, TRIPS 203 stores, retrieves and processes TEMPORAL DATA or chronologically related information utilizing well known means. TEMPORAL DATA in FIG. 3 and corresponding Temporal or Times Subsystem further include or manage the following: (1) for typical well-articulated TRIPS embodiments, an extensive, browsable, searchable calendar database and display of EVENTS

Art Unit: 3622

OF INTEREST (EOIs) for queries and responses related to scheduled, predicted or proposed event of all kinds; (2) the related SCHEDULER sub-menu functionality for travel itinerary management, as presented heretofore in FIG. 1C under 161, and further described hereinafter relative to FIG. 6; (3) digital almanac functionality formed of tools and data related to the dates/times and other dimensions of natural phenomena--such as sunrise, sunset, high and low tide, moon phases, rainfall/temperature averages, and other data which is useful for planning and scheduling outdoors activities like hiking, camping, boating, observing nature, and so forth--as described in more detail hereinafter, with particular reference to FIGS. 6 and 9; (4) updates or more current information on diverse topics, replacing or supplementing earlier information and preferably provided online for freshness" (col 33, lines 17-52).

DeLorme further discloses discounts and special offers that vary (below and throughout the DeLorme disclosure):

"(6) The user can make reservations and buy various tickets in "real-time" online--and download "today's" special discount offers from hosts of participating restaurants, hotels, retail shops, car rental agents, outdoor expedition outfits, or other third-party providers of goods/services throughout the United States, Canada and Mexico (col 14, lines 25-35);

(11)(2) paper or sheet media maps, travel directions, itineraries or travel schedules, reservation/discount offer/ticket documents, supplemental text and/or graphic information about events of interest (EOI) or points of interest (POI) 109" (col 15, lines 35-40).

DeLorme discloses special offers presented relative to temporally changing conditions including the utilization of time periods:

Art Unit: 3622

“(49) for example, including other characteristic TRIPS records information about one or more lodgings or other accommodations located nearby the performance location(s), or available transportation to the performance(s), or proximate timely special offers e.g. for tickets to the music performance(s). More details on combined searches appear hereinafter relative to FIGS. 2-8 (col 29, lines 1-10);

(119)>(2) persons in the reservation party, and so forth--using the 595 dialog box. The 595 dialog box includes facilities for the user to input or accept special offers, such as a discount for meals at certain times. The user executes or "books" the proposed reservation, pushing the "BOOK IT" button in the "RESERVATIONS--TICKETS--COUPONS" dialog box (col 50, lines 37-45);

(155) Thus, the TRIPS invention facilitates not only individualized travel planning or informational output but also contractual or transactional travel arrangements--e.g. ticket purchases, making reservations, taking advantage of special goods/service offers or options (typically subject to locational and temporal restrictions or conditions)--and so forth (col 63, lines 35-45);

(166) 5) date/time i.e. one or more chronological points in time, time-frames or temporal ranges relating to the goods/services designated in the TRIPS map ticket e.g. air flight departure date/time, time period for which a special offer is open, curtain time or the duration or start time of an entertainment or educational event, seasonal/calendar/natural phenomena temporal information, hotel check-in time, service appointment date/time” (col 67, line 60-col 68, line 2).

Art Unit: 3622

Baker discloses discounts to changing conditions such as locations and short time frames, the providing of discounts related to inventory, and the providing of discounts related to special conditions such as a service being half-utilized or half-full:

“(25) Further, the system offers the unique benefit of allowing service and goods providers to make available specialized "niche" discounts or marketing schemes. Since the system sorts or correlates benefit information, it would allow providers of goods and services to target particular segments of the market. For example, in the travel industry, hotels could offer through the system special discounts at particular locations or for very short time frames, in a manner which would not otherwise be economically feasible with other marketing methods. In the case of those offering goods for sale, a geographically weak sector of the market or one which has excess inventory could be specifically targeted for discounts in the data base. In other words, the system allows particular segments of the market to be precisely targeted by providers of goods and services offering special discounts to consumers affiliated with enabling organizations (col 8, line 60-col 9, line 10);

(26) A further advantage of the system relates to the relatively short lead times required in connection with offering benefits. According to the system, discounts could be developed and offered very quickly with very short lead times by simply adding an enabling organization benefit file to the database along with associated correlation information. This would enable a service provider to take advantage of rapidly changing conditions or short-term opportunities. As an example, several days before a scheduled flight, an airline might recognize that a flight was going to depart half-full. Under such circumstances, the airline might wish to offer discount benefits to members of particular enabling organizations which patronize the airline.

Art Unit: 3622

The result is a marketing benefit for the airline and a special premium to the enabling organization, as well as its members” (col 9, lines 10-26).

Cragun discloses utilizing time, date, weather, customer, in-store data to predict customer sales and utilize the information with a purchase advisor system (Fig. 18; Fig. 19).

Cragun discloses the discount services are determined based on calculations results of factors affecting the discount services, providing promotions based on time periods and factors that affect the purchases for those time periods, providing promotions based on calculations of factors that affect transactions during different time periods or under different conditions:

“(10) In a parallel distributed processing model, information processing takes place through interactions of simple processing elements that send excitatory and inhibitory signals to other processing elements. In a neural network, a data item is represented in numerical form and is presented to the neural network. In this context, the processing elements referred to as neurons can represent, for example, hypotheses about which sales promotion program is most likely to elicit viewer interaction given a weather season or which sales promotion program is most likely to attract viewers given a particular time of day. In the preferred embodiment, neural network architecture comprises a first group of input neurons, each of which are connected to one or more layers of intermediate neurons. The layers of intermediate neurons are connected together and ultimately to a layer of output neurons. Information is processed by the network as data flows from the input neurons, through the intermediate layers, and finally to the output neurons. Each neuron in one layer is connected to every neuron in adjacent layers (col 6, lines 27-46);

Art Unit: 3622

(6) Trends in purchases are sometimes relatively simple to observe. For example, there typically is a seasonal need for particular items, such as coats during winter or sandals during summer. Both national and local marketing campaigns might choose to call attention to such items through a sales promotion comprising a temporary price reduction. Presumably, customers will be motivated by the seasonal need and by the price reduction to purchase the items, thereby creating higher volume sales and increased profits. Another example of an in-store sales promotion is one that occurs after a sales clerk completes a transaction for the purchase of an item by suggesting the purchase of a complementary item. A typical suggestion occurs when, for example, a clerk suggests the purchase of an electric light bulb after a customer has already purchased a lamp or suggests a sauce or topping to go along with a purchased food entree. Given a set of sales promotions from which a promotion is selected, a better quality selection is one that is more likely to result in an additional purchase (col 1, lines 40-60);

(48) After all of the purchase transactions in the relevant time period have been processed, an outcome of "done" at the decision box numbered 224, the processing for the creation of the class update structure is finished (box 225) and processing resumes with the flow diagram box numbered 204 in FIG. 14 (col 15, lines 4-10);

(57) The first data field illustrated in the data structure 303 is for the time of day 304. Time of day can be important in predicting customer populations because, for example, buyers with particular characteristics might shop early in the day as opposed to those who shop late in the day or late in the evening. The next data field is for the date 306. The date field permits

Art Unit: 3622

the system to account for seasonal buying characteristics, holiday variations, and other buyer characteristics associated with the day of the week, month, or year. A weather data field 308 permits the system to further account for seasonal or other weather-related phenomenon. For example, rainy weather likely will result in a customer population favorably disposed to suggestions for purchases of rain gear such as boots, umbrellas, and overcoats, regardless of other purchases made during a store purchase transaction” (col 17, lines 30-47).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Cragun’s discount services that are determined based on calculations results of factors affecting discounts services to DeLorme’s special offers/discounts related to temporal conditions. One would have been motivated to do this in order to better assess how temporal conditions affect transactions and offer optimal promotions.

Claims 2, 8, 9, 10, 11, 12: Schiff discloses a method, system, apparatus, medium for accepting transaction reservation provided with a plurality of terminal devices, and an apparatus for accepting transaction reservation, connected to the terminal devices respectively, to accept reservation for a transaction of a transaction target, characterized in that said accepting apparatus comprises:

- (i) a terms determination means for determining terms for a transaction of a transaction target (col 11, line 60-col 12, line 17; col 12, lines 22-36); and
 - (ii) a transaction terms display means for displaying the terms for the transaction determined by the terms determinations means (col 7, lines 20-34; col 12, lines 22-36);
- said terminal devices comprises:

Art Unit: 3622

(i) an accepting means for accepting reservation application data which represents reservation application for a transaction of a transaction target based on the displayed terms (col 12, lines 17-23; col 12, lines 22-36); and

(ii) a transmission means for transmitting the reservation application data accepted by the accepting means to the accepting apparatus (col 12, lines 17-23; Fig. 1; Fig. 2A); and said accepting apparatus further comprises a storage means for storing received reservation application data, when the reservation application data is received (Fig. 2A).

Schiff further discloses a storage medium and a controller (Fig. 2A).

Schiff further discloses that incentives, time periods, and reservations are related (col 22, lines 1-13; col 1, lines 22-26), accepting the transaction reservation for the transaction target, performing a transaction in accordance with the transaction reservation (col 12, lines 17-36), and re-presenting data based on the accepted transaction reservation for the transaction target (col 11, lines 10-16; Fig. 2b; Fig. 3a).

Schiff does not explicitly disclose that the discounts are related to the time period that the reservation is made for.

However, DeLorme discloses that presenting bargain data to a transaction target related to the time period that the reservation is made for (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45).

DeLorme further discloses re-presenting bargain data based on the accepted reservation for the transaction target (Fig. 9b; Fig. 7b; Fig. 7a; Fig. 5d, item 595).

Art Unit: 3622

DeLorme further discloses a terms determination unit for determining terms for a transaction of a transaction target for each time period (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6, col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45); and a display system for displaying the terms for the transaction, wherein the transaction reservations are made via the plurality of terminal devices based on the display terms for the transactions (Fig. 5d; Fig. 1c; Fig. 9b).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add DeLorme's reservations goods or services with time period based discounts to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Baker further discloses benefits and discounts (col 1, lines 10-50); reservations (Fig. 3); timing restrictions and other terms on applicable discounts (col 1, lines 55-62); time frame restrictions and other terms on applicable discounts (col 5, lines 35-45; col 6, lines 40-47; col 6, lines 47-61; col 7, lines 4-11);

Baker further discloses offering specialized target discounts where the terms or target can be varied including varying time periods for when the discount would apply (col 8, line 60-col 9, line 10) and specialized discounts based on the time between the when the reservation is made and when the reservation is made for (col 9, lines 14-26).

Baker further discloses correlating time periods for reservations to discounts (col 9, lines 31-64).

Art Unit: 3622

Baker further discloses that different time periods have different discounts and that the discount information for the different time periods is dynamic (col 10, line 59-col 11, line 7). Also, note that Baker discloses that the time between when the reservation is made and the time that the reservation is made for can be relevant to the discount amount (col 9, lines 14-26). Therefore, both the reservation time and the time period the reservation is made for are relevant to the discount.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Baker's reservations for goods or services with time period based discounts that reflect temporarily changing conditions to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Also, please see the analysis for claims 1 and 17 above.

Claim 3: Schiff and DeLorme and Baker disclose a method according to claim 2. Schiff further discloses that the determination of the terms for a transaction comprises: determining terms for a transaction based on the state of the transaction reservation (col 20, lines 35-49; col 22, lines 1-13).

Bake further discloses determining terms for a transaction based on the state of the transaction reservation (col 9, lines 15-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Baker's further features for determining terms for a transaction based on the state of the transaction reservation to Schiff's transactions, reservations, and

Art Unit: 3622

varying terms. One would have been motivated to do this in order to honor the transactions appropriately based upon the set reservations conditions.

Claim 4, 6: Schiff and DeLorme and Baker disclose a method according to claim 2.

Schiff does not explicitly disclose confirming whether the reservation has been accepted.

However, Schiff discloses a variety of communication between a travel agent and a customer (col 1, lines 33-36). Schiff further discloses verifying that a customer is available (col 2, lines 35-40). Schiff further discloses booking and paying for a reservation (Fig. 3A, item 342, item 344).

Schiff further discloses receiving reservations, booking, and payment information (col 12, lines 17-23).

Schiff further discloses sending a response to a user computer after receiving messages from the user computer (col 11, lines 13-15).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Schiff's response to a user computer can be a confirmation of the reservation that the user has made. One would have been motivated to do this because user's are more confident that a reservation is valid when the user receives notification that the reservation was received.

Additionally, DeLorme discloses confirming whether the reservation has been accepted (Fig. 5d, item 595; col 3, lines 15-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that DeLorme's confirmation of the reservation that the user has made to Schiff's response to a user computer. One would have been motivated to do this because user's

Art Unit: 3622

are more confident that a reservation is valid when the user receives notification that the reservation was received.

Claim 5, 7: Schiff and DeLorme and Baker disclose a reception method for deal booking according to claim 4.

Schiff further discloses that it is characterized in that it further comprises the following steps:

a method according to claim 4, further comprising the steps of:

determining discount services for the reserved transaction which has been confirmed to be accepted based on its terms (col 20, line 49-col 21, line 12; col 13, lines 17-22); and

offering the discount services based on the confirmed reserved transaction (col 1, lines 22-26; col 22, lines 1-5; col 12, lines 14-17).

Since Schiff discloses that specific packages can be offered to specific customers and that packages can include special discounts and that specific customers can reserve transactions, Schiff discloses offering the discounts for reserved transactions.

Claim 13, 14, 15, 16: Schiff discloses a method, apparatus for accepting a transaction reservation for a transaction target, comprising:

presenting bargain data in relation to the transaction target and reflecting time dependent booking (col 1, lines 22-26); and

accepting the transaction reservation for the transaction target, and performing a transaction in accordance with the transaction reservation (col 12, lines 17-36).

Schiff further discloses that incentives, time periods, and reservations are related (col 22, lines 1-13; col 1, lines 22-26).

Art Unit: 3622

Schiff further discloses re-presenting data based on the accepted transaction reservation for the transaction target (col 11, lines 10-16; Fig. 2b; Fig. 3a).

Schiff does not explicitly disclose that the discounts are related to the time period that the reservation is made for.

However, DeLorme discloses that presenting bargain data to a transaction target related to the time period that the reservation is made for (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45).

DeLorme further discloses re-presenting bargain data based on the accepted reservation for the transaction target (Fig. 9b; Fig. 7b; Fig. 7a; Fig. 5d, item 595).

DeLorme further discloses a terms determination unit for determining terms for a transaction of a transaction target for each time period (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45); and a display system for displaying the terms for the transaction, wherein the transaction reservations are made via the plurality of terminal devices based on the display terms for the transactions (Fig. 5d; Fig. 1c; Fig. 9b).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add DeLorme's reservations goods or services with time period based discounts to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Baker further discloses benefits and discounts (col 1, lines 10-50); reservations (Fig. 3); timing restrictions and other terms on applicable discounts (col 1, lines 55-62); time frame

Art Unit: 3622

restrictions and other terms on applicable discounts (col 5, lines 35-45; col 6, lines 40-47; col 6, lines 47-61; col 7, lines 4-11);

Baker further discloses offering specialized target discounts where the terms or target can be varied including varying time periods for when the discount would apply (col 8, line 60-col 9, line 10) and specialized discounts based on the time between the when the reservation is made and when the reservation is made for (col 9, lines 14-26).

Baker further discloses correlating time periods for reservations to discounts (col 9, lines 31-64).

Baker further discloses that different time periods have different discounts and that the discount information for the different time periods is dynamic (col 10, line 59-col 11, line 7).

Also, note that Baker discloses that the time between when the reservation is made and the time that the reservation is made for can be relevant to the discount amount (col 9, lines 14-26).

Therefore, both the reservation time and the time period the reservation is made for are relevant to the discount.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Baker's reservations for goods or services with time period based discounts that reflect temporarily changing conditions to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Also, please see the analysis for claims 1 and 17 above.

Response to Arguments

4. Applicant's arguments with respect to claims 1-17 have been considered but are moot in grounds of the new rejection. Please particularly note the rejection of claims 1, 17 starting with the sections that states, "Additionally, DeLorme discloses making reservations and that information on factors affecting reservations can be provided to the user and that temporal data that affects reservations can be provided to the user including information such as time periods and weather related. . .".

Applicant's 'temporarily changing conditions', 'time period', 'results of factors affecting the discount service', and other features of the Applicant's claims are broad and or loosely defined and can be interpreted in several ways. Examiner further notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Walker (5,797,127) discloses prices related to changing conditions such as weather:

Art Unit: 3622

“(6) The underlying commodity is well defined for an option to buy an airline ticket for the first type of customer--it is a ticket on a particular flight. Pricing this type of option, however, is not straightforward because the option price will depend on a number of factors that are not present in other commodities. For example, the price of an option on a particular flight may depend upon the date and time of the flight, the day of the week, the weather, special occurrences in one of the cities (such as the Olympics) and numerous other factors”.

Fox (6,584,447) discloses promotions related to changing conditions such as weather:

“(42) In summary, the above conventional solutions to weather planning problems in retail all suffer from one or several deficiencies which severely limit their commercial value, by not providing: (1) regional and/or local specificity in measuring past weather impact and projecting future weather impact, (2) the daily, weekly, and monthly increment of planning and forecasting required in the retail industry, (3) ample forecast leadtime required by such planning applications as buying, advertising, promotion, distribution, financial budgeting, labor scheduling, and store traffic analysis, (4) the quantification of weather impact required for precise planning applications such as unit buying and unit distribution, financial budget forecasting, and labor scheduling, (5) reliability beyond a 3 to 5 day leadtime, (6) a predictive weather impact model, which links quantitative weather impact measurement through historical correlation, with quantitative forecasts, (7) the ability to remove historical weather effects from past retail sales for use as a baseline in sales forecasting, (8) an entirely electronic, computerized, EIS implementation for ease of data retrieval/analysis with specific functions that solve specific managerial planning applications, and (9) a graphical user interface representing a

Art Unit: 3622

predictive model in graphs, formats, and charts immediately useful to the specific managerial applications.”

Ouimet (6,078,893) discloses prices related to changing conditions such as weather:

“(24) where [D] are the demand parameters, and [X] is the set of all variables for all items. Notice that in general, the sales of one item can depend upon the parameters of all the other items. The reason for this is that the demand for a single item can and usually does depend upon the demand for all other items. This can in general lead to a system of coupled equations that describe the demand for each item in a given group. The variables that affect the demand can include, but is not limited to, price, sales history, promotional activity, weather conditions, location, currency exchange rate, inflation rate, etc.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3622

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A handwritten signature in black ink, appearing to read 'Arthur Duran', with a stylized, cursive script.

Arthur Duran
Patent Examiner
6/29/05